

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES EDWARD JONES,

Plaintiff,

v.

SPECIAL COMMITMENT CENTER et  
al.,

Defendants.

CASE NO. 3:14-CV-05018-JRC

ORDER GRANTING STAY

Defendants seek a stay of all proceedings until March 1, 2017 pending a motion for substitution pursuant to Federal Rule of Civil Procedure 25. Dkt. 71.

On November 3, 2016, this Court entered an order staying all proceedings in this case until January 3, 2017 as a result of plaintiff's failing health. Dkt. 65. The Court also directed the parties to file a joint status report by December 20, 2016. *Id.*

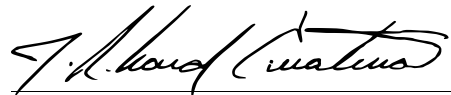
On November 5, 2016, plaintiff died. Dkts. 68, 69. On December 1, 2016, defendants filed a suggestion of death pursuant to Fed. R. Civ. P. 25 (a), which was served on plaintiff's last known address at the Special Commitment as well as his next of kin as listed on file *Id.* The

1 status report and motion to stay were also served by mail at plaintiff's last known address and to  
2 his next of kin as listed on file with the Special Commitment Center. *See* Dkt. 71, Certificate of  
3 Service.

4 "If a party dies and the claim is not extinguished, the court may order substitution of the  
5 proper party. A motion for substitution may be made by any party or by the decedent's successor  
6 or representative. If the motion is not made within 90 days after service of a statement noting the  
7 death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). To  
8 date, a motion for substitution has not been made.

9 The Court finds that a stay of proceedings in this matter is warranted pending a motion  
10 for substitution. Accordingly, the Court orders that this case be stayed until March 1, 2017 or a  
11 proper party files for substitution.

12 Dated this 19th day of January, 2017.

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15 J. Richard Creatura  
16 United States Magistrate Judge  
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